

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F032014 Reyna et al. v. City of Modesto et al.
F032015 Nibler v. City of Modesto et al.

Cause called and argued by Bruce W. Nickerson, Esq., counsel for appellants and by David Cervantes, Deputy City Attorney, counsel for respondents.

Counsel for appellant Reyna, Bruce W. Nickerson, notifies the court that case F032014 has settled. The order dated January 7, 1999, consolidating the above-entitled appeals is vacated and case F032014 is hereby ordered dismissed.

Cause ordered submitted.

The court adjourns.

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F035513 In re Frederick G., a Minor

The orders appealed from are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036404 In re Samuel B., Jr., et al.

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F037067 In re Bethany H., a Minor

No brief or request for extension of time having been filed within the time provided, the appeal is dismissed.

F034737 People v. Smith

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F036367 In re Paul S., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F031740 In re the Marriage of BERTHA BARRIENTOS and CHARLES KEELE

The judgment is affirmed. Each party shall bear his or her own costs on appeal. The request for sanctions is denied. Vartabedian, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034469 People v. Rodriguez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F031474 People v. Harring, Jr.

F035274 In re David Lee Harring, Jr. on Habeas Corpus

The petition for writ of habeas corpus is denied. The judgment is reversed and remanded for the limited purpose of holding an evidentiary hearing to determine if the juror misconduct was prejudicial. (People v. Von Villas, supra, 11 Cal.App.4th at pp. 260-261.) If the trial court determines that the juror's conduct was not prejudicial, the judgment shall be reinstated and affirmed. If the trial court determines the juror's conduct was prejudicial, the judgment shall stand reversed. Ardaiz, P.J.

We concur: Harris, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034592 People v. Engle

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F034464 People v. Kennedy

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F033016 People v. Erebia

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F031071 People v. Diaz, Jr.

The true finding on the prior serious and/or violent felony “strike” allegation and the sentence imposed are reversed. In all other respects the judgment is affirmed. The matter is remanded to the trial court for resentencing. Harris, J.

We concur: Ardaiz, P.J. ; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F035146 People v. Phaphilom

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F034036 People v. Martinez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.